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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,938	07/11/2005	Hendricus Antonius Hoogland	294-216 PCT/US	9592
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HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791			EXAMINER MALEKZADEH, SEYED MASOUD	
			ART UNIT 1791	PAPER NUMBER
			MAIL DATE 10/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



# Office Action Summary

Application No.

10/533,938

Applicant(s)

HOOGLAND, HENDRICUS  
ANTONIUS

Examiner

SEYED M MALEKZADEH

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 14-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/11/2005</u> . | 6) <input type="checkbox"/> Other: _____  |



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DETAILED ACTION

*Election/Restrictions*

Applicant's election without traverse of group I, claims 1-13 in the reply filed on 10/15/2007 is acknowledged, and claims 14-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group II, there being no allowable generic or linking claim.

*Priority*

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

*Claim Objections*

Claims 1 is objected to because of the following informalities:

In claim 1, line 4, word "side" is misspelled which should be corrected to "slide". Appropriate correction is required.



*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

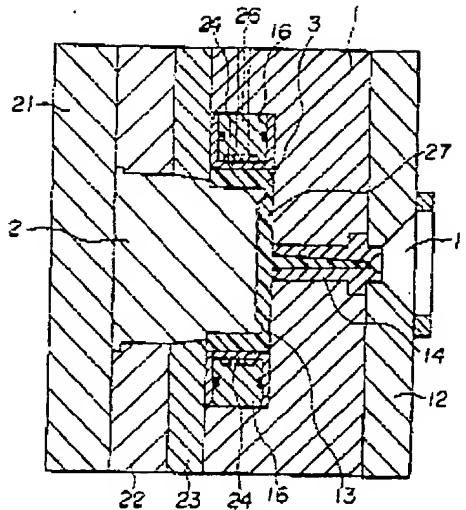
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura et al (JP 06-182835).

As to claim 1, Nakamura et al ('835) disclose a mold apparatus including two mold parts (1 and 2) in which these two mold parts (1 and 2) are moveable relative to each other in a first direction of movement, also one mold cavity (3) is included wherein the mold cavity (3) being provided on sides (16) with a moveable wall part (24) which is moveable between a first retracted position and a second position, and the moveable wall part (24) in the first position, has a volume greater than compare to the wall part (24) in the second position, while the first and the second direction of movement mutually include an angle. (See paragraphs [0013]-[0018] and figure 2)



【圖2】



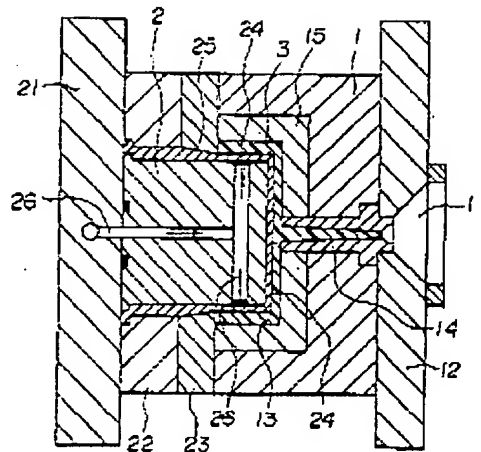
Further, as to claims 2-3, Nakamura et al ('835) disclose the first and the second direction of movement include a right angle which is  $90^\circ$  (See paragraphs [0005]-[0006] and [0016]; figure 2)

Also, as to claims 4 and 5, Nakamura et al ('835) disclose two moveable wall parts (24) are provided in the mold cavity (3) and each moveable wall part has a second direction of movement at right angles to the first direction of movement. (See paragraphs [0016] and [0018])

As to claim 6, Nakamura et al ('835) further disclose a core part (2) is provided wherein on three sides of the core (2) a moveable wall part (24) is provided. (See figure 1 and paragraph [0014]-[0015]; figures 1-2)



【図1】



As to claim 7, Nakamura et al ('835) also disclose the mold include a central core part (2) and a second core part (15) which is provided at a distance from the central core part (2) and wherein a moveable wall part (24) is located at the side of second core part (15) facing away from the central core part (2), and the second direction of movement for the respective wall part (24) is directed towards the central core part (2), while the mold cavity (3) is designed such that during applying resin to the mold, can move from a space between the central core part (2) and the second core part (15) and can be pushed by the wall part (24) against the second core part (15). (See paragraphs [0014]-[0015] and figures 1-2)



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As to claim 8, all the structural limitations are met for the apparatus, and no or little weight is given to the intended use of the mold apparatus as claimed in claim 8 because intended use has been continuously held not to be germane to determining the patentability of the apparatus, *In re Finsterwalder*, 168 USPQ 530.

The manner or method in which a machine is to be utilized is not germane to the issue of patentability of the machine itself, *In re Casey*, 152 USPQ 235,238.

Purpose to which apparatus is to be put and expression relating apparatus to contents thereof during intended operation are not significant in determining patentability of an apparatus claim, *Ex parte Thibault*, 164 USPQ 666.

A recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations, *EX parte Masham*, 2 USPQ2d 1647.

Further, as to claim 9, Nakamura et al ('835) teaches the longitudinal wall forming part of the mold is arranged for forming a cavity (3) in the longitudinal wall in which a moveable wall part (24) is designed for forming wall of the cavity (3).



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Also, as to claim 10, Nakamura et al ('835) disclose the mold cavity include a wall part moveable (24) near a bottom surface forming part, while one injection opening (14) is provided in bottom surface forming part. (See paragraph [0012])

Further, as to claim 11, Nakamura et al ('835) teaches each moveable wall (24) is driven by the application of oil pressure through oil pressure ways (26). (See paragraph [008]-[0009])

Furthermore, as to claims 12, Nakamura et al ('835) discloses a moveable head (21 and 22) as a pressing device, wherein the first direction of movement is substantially parallel to the pressing direction of the pressing device (21 and 22). (See paragraphs [0003]-[0007] and figures 1-2)

Also, as to claims 13, Nakamura et al ('835) teaches each moveable wall part (24) are moveable independently of the pressing device. (See paragraphs [0007]-[0010] and figure 1-2)

The prior art, thus meets all the claim limitations, and therefore, Nakamura et al ('835) anticipates claims 1-13.

#### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seyed Masoud Malekzadeh whose telephone number is 571-272-6215. The examiner can normally be reached on Monday - Friday at 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on (571) 272-1316. The fax number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.




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SMM

  
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